



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

BJG  
Docket No: 4973-99  
24 April 2000

From: Chairman, Board for Correction of Naval Records  
To: Secretary of the Navy

Subj: **[REDACTED]** ASSADIQ, USN **[REDACTED]**  
REVIEW OF NAVAL RECORD

Ref: (a) Title 10 U.S.C. 1552

Encl: (1) DD Form 149 dtd 26 Jul 99 w/attachments  
(2) PERS-311 memo dtd 23 Dec 99  
(3) Rep sr ltr dtd 5 Apr 00 w/encl  
(4) Subject's naval record

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with this Board requesting, in effect, that the applicable naval record be corrected by removing or modifying his enlisted performance evaluation reports for 16 March 1997 to 15 March 1998 and 16 March 1998 to 15 March 1999, copies of which are in enclosure (1) at Tabs A and B, respectively.

2. The Board, consisting of Messrs. Frankfurt and Tew and Ms. Moidel, reviewed Petitioner's allegations of error and injustice on 20 April 2000, and pursuant to its regulations, determined that the limited corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. Concerning the contested evaluation for 16 March 1997 to 15 March 1998 (Tab A), Petitioner objected to the "F" code (failed physical readiness test (PRT)) in block 20 ("Physical Readiness"), the mark of "2.0" (second lowest) in block 36 ("Military Bearing") and the promotion recommendation (blocks 45 and 46) of "Promotable" (third lowest). He provided documentation showing he had been granted a medical waiver from the PRT, and he contended the marks in question were based on his failure of the PRT. Concerning the contested evaluation for 16 March 1998 to 15 March 1999 (Tab B), submitted by a different reporting senior but at the same station, Petitioner objected to the mark of "3.0" (third

lowest) in block 36 and the promotion recommendation of "Promotable." He contended these marks were influenced by the previous PRT failure.

c. In correspondence attached as enclosure (2), the Navy Personnel Command office having cognizance over the subject matter addressed in Petitioner's application has commented to the effect that limited relief, specifically, modification of the evaluation for 16 March 1997 to 15 March 1998, is warranted. The advisory opinion agreed with Petitioner that block 20 should show "M" (medically waived from PRT) rather than "F." Without stating a reason, the opinion further recommended that the mark in block 36 be raised from "2.0" to "3.0." Regarding the evaluation for 16 March 1998 to 15 March 1999, the opinion recommended no relief, noting that block 20 shows Petitioner passed the most recent PRT; that the mark of "3.0" in block 36 need not be justified; and that Petitioner does not prove the promotion recommendation of "Promotable" or the "3.0" in block 36 was based on a PRT failure from an earlier reporting period.

d. The advisory opinion was forwarded to Petitioner's reporting senior for the period 16 March 1997 to 15 March 1998. His reply at enclosure (3) reflected that Petitioner's failure of the PRT was central to the marks he received in blocks 36 and 45. The reporting senior's letter further stated that in light of the information Petitioner has provided, block 20 should be modified by changing the "F" code to "M"; block 36 should be changed from "2.0" to "4.0" (second best); the block 43 narrative should be changed by deleting "- Failed most recent Physical Readiness Test." and the block 45 promotion recommendation should be changed from "Promotable" to "Must Promote" (second best).

#### CONCLUSION:

Upon review and consideration of all the evidence of record, the Board finds the existence of an injustice warranting modification of the evaluation for 16 March 1997 to 15 March 1998 in accordance with the reporting senior's letter at enclosure (3). The Board substantially concurs with the advisory opinion at enclosure (2) in concluding that no relief is warranted regarding the evaluation for 16 March 1998 to 15 March 1999. In view of the above, the Board directs the following limited corrective action.

#### RECOMMENDATION:

a. That Petitioner's naval record be corrected by modifying Petitioner's enlisted performance evaluation report for 16 March 1997 to 15 March 1998, signed by Commander C. F. Pierson, USN and dated 27 March 1998, as follows:

- (1) Block 20: Delete "F" and enter in its place "M."
- (2) Block 36: Change from "2.0" to "4.0".
- (3) Block 43: Delete "- Failed most recent Physical Readiness Test."
- (4) Block 45 ("Promotion Recommendation - Individual"): Change from "Promotable" to "Must Promote."

(5) Block 46 ("Promotion Recommendation - Summary"): Change "Promotable" entry from "1" to "0" and "Must Promote" entry from "14" to "15."

b. That appropriate corrections be made to the magnetic tape or microfilm maintained by the Navy Personnel Command.


c. That any material or entries inconsistent with or relating to the Board's recommendation be corrected, removed or completely expunged from Petitioner's record and that no such entries or material be added to the record in the future.

d. That any material directed to be removed from Petitioner's naval record be returned to the Board, together with a copy of this Report of Proceedings, for retention in a confidential file maintained for such purpose, with no cross reference being made a part of Petitioner's naval record.

e. That the remainder of Petitioner's request be denied.

4. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(c)) it is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN  
Recorder

  
WILLIAM S. RESKIN  
Acting Recorder

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.

  
Executive Director



DEPARTMENT OF THE NAVY  
NAVY PERSONNEL COMMAND  
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MILLINGTON TN 38055-0000

4973-99

1610  
PERS-311  
23 DEC 99

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF  
NAVAL RECORDS

Via: PERS/BCNR Coordinator (PERS-00ZCB)

Subj: EM2 [REDACTED] USN [REDACTED]

Ref: (a) BUPERSINST 1610.10, EVAL Manual

Encl: (1) BCNR File

1. Enclosure (1) is returned. The member requests removal or modification of his performance reports for the following periods:

16 March 1997 - 15 March 1998  
16 March 1998 - 15 March 1999

2. Based on our review of the material provided, we find the following:

a. A review of the member's digitized record revealed both reports to be on file. The reports are signed by the member indicating his desire not to submit a statement. Per reference (a), Annex S, paragraph S-8, the member has two years from the ending date of the report to submit a statement if desire. A statement for either report has not been received by PERS-311 from the member.

b. The member feels that the reports in question are solely based on his failing the PRT's. The member states that he was medically waived from participation in the January 1997 and January 1998 PRT's; therefore, he feels that the trait mark assigned in "Military Bearing" and the promotion recommendation of "Promotable" is unjust.

c. The member provides with his petition an uncertified copy of the OPNAV Form 6110/2. Based on our view of the OPNAV Form 6110/2, we feel block 20 of the performance report for the period of 16 March 1997 to 15 March 1998, should read "M/WS" vice "F/WS". The OPNAV Form 6110/2, indicates the member was medically waived from participation in the most recent PRT, conducted on 25 September 1997.

Subj: EM2 [REDACTED], US [REDACTED]

③ d. Based on the information provided, we can not determine why the member feels the report for the period 16 March 1998 to 14 March 1999 is unjust. Block 20, "Physical Readiness", indicates the member passed the most recent PRT. We feel the member does not prove the promotion recommendation of "Promotable" and the trait mark of "3.0" in "Military Bearing" were due to a previous PRT failure. Reference (a) does not require reporting senior's to justify "3.0" trait marks.

e. The marks, comments, and promotion recommendations are at the reporting senior's discretion. They are not required to be consistent with previous or subsequent reports, and are not routinely open to challenge.

3. We recommend changing block 20 of the report for the period 16 March 1997 to 15 March 1998, from "F/WS" to "M/WS" and raise the trait grade from "2.0" in "Military Bearing" to "3.0". We also recommend the performance report for the period 16 March 1998 to 15 March 1999 remain unchanged.

[REDACTED]  
Head, Performance  
Evaluation Branch